



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,736	04/19/1999	TAKASHI SAKAKURA	2565-171P	2727

2292 7590 02/21/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 02/21/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory ActionApplication No.
09/284,736Applicant(s)
SakakuraExaminer
Stephan WillettArt Unit
2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED on 2/11/03 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 22

Claim(s) objected to: _____

Claim(s) rejected: 1-21

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____

LE HIEN LUU
PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. Claim 22 is allowed.

Response to Amendment

2. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.
3. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.
4. Applicant suggests "as stated in the interview, none of the cited prior art teaches that a user terminal repeatedly transmits a shared data update request until is it received by the server", Paper No. 13, Page 5, lines 1-3. The applicant's representative admitted in the interview that the update request is submitted at least once again, thus repeating at least once at which time the request can be received by the server, and this reads on the claims. But Reuss goes further and teaches updating "at a later time", col. 7, lines 32-37 and col. 10, lines 13-16, which again can not be read in a vacuum or to mutually exclude the teaching that the update is rescheduled again, and again, etc., "repeats until all subscriber profiles have been examined" etc., col. 10, lines 29-31 until the updated succeeds, even if a new process, thread, macro, object, etc. is required to complete the update Thus, Applicant's arguments can not be held as persuasive regarding patentability.
5. Applicant suggests "Reuss et al. fails to teach or suggest a clock module for keeping a

time synchronized”, Paper No. 10, Page 13, lines 20-21. Reuss teaches a time stamp field in a message body, col. 8, lines 64-67 and at col. 4, lines 42-45 teaches time synchronized data and its optional usage. However, more importantly Yazaki is replete with time and synchronized data that is well known in the arts and teaches “the timing unit sends the updating timing signal”, col. 6, lines 40-41. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, David Wiley, can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

February 12, 2003



LE HIEN LUU
PRIMARY EXAMINER